

HONOURABLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO.2610 OF 2004

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Between

Kondaveeti Susheelamma
and another.

...Petitioners

And

Union of India, repto by its Deputy
Secretary, Ministry of Home Affairs,
Loknaya Bahavan (Hyderabad
FF Cell) New Delhi and another.

...Respondents

:: O R D E R ::

Counsel for the Petitioners : Shri A.Rajendra Babu for
Shri Subbarao Korrapati

Counsel for Respondent No.1 : Shri A.Rajashekar Reddy,
Assistant Solicitor General of
India.

Counsel for Respondent No.2 : Government Pleader for
Revenue

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Dated: 14th November 2006

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In this petition, the petitioners have prayed for issue of a mandamus to the respondents to consider and decide their claim for grant of pension under Swatantrata Sainik Samman Pension Scheme, 1980 (for short ‘the 1980 Scheme’).

The aforementioned prayer of the petitioners is founded on the assertion contained in the affidavit of petitioner No.1-Kondaveeti Susheelamma that she had participated in the movement launched against Government of Nizam and with a view to avoid arrest, she remained underground for a period of ten months. It is also the case of the petitioners that the husband of petitioner No.2 had likewise taken part in the movement launched against the Government of Nizam and remained underground. Petitioner No.1 and husband of petitioner No.2 are said to have submitted applications in the year 1985 for grant of pension. The grievance of the petitioners is that even though a period of more than two decades have elapsed, the concerned authorities have not taken action on their applications.

On 24.10.2006, the case was adjourned with a direction to the State Government (respondent No.2) to file counter-affidavit within two weeks.

Although the required counter-affidavit has been filed on behalf of respondent No.2, I do not consider it necessary to defer the disposal of the writ petition because learned Assistant Government Pleader for Revenue says that the State Government has decided to recommend the cases of the petitioners for grant of pension under the 1980 Scheme.

In view of the statement of the learned Assistant Government Pleader for Revenue, the writ petition is disposed of with the following directions:

- (1) within a period of one month from today, the competent authority of the State Government shall forward duly verified applications of the petitioners along with relevant documents to Deputy Secretary to Government of India, Ministry of Home Affairs, Freedom Fighters Division;
- (2) within three months of the receipt of communication sent by the State Government, the competent authority of Government of India

shall consider the claim of the petitioners for grant of pension under the 1980 Scheme and decide the same by passing speaking order;

- (3) the decision of the competent authority of Government of India shall be communicated to the petitioners by registered post at the end of three months period;
- (4) if the petitioners are found eligible and entitled to receive pension under the 1980 Scheme, an appropriate direction can be issued to the concerned authority for release of pension in their favour together with the arrears, if any, in accordance with the extant policy.

G.S.SINGHVI, CJ

Note:

The Court Officer is directed to give attested copies of this order to the learned counsel for the parties.

14.11.2006

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